

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

Tito Lemont Knox,)
)
Plaintiff,) C.A. No. 9:07-283-HMH-GCK
)
vs.) **OPINION & ORDER**
)
Officer Rt. Graham and Dept. Garner,)
)
Defendants.)

This matter is before the court on Tito Lemont Knox's ("Knox") second amended objection to the Report and Recommendation, which the court construes as a motion to alter or amend judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Knox filed objections on May 19, 2008, and amended objections on May 22, 2008. The court did not receive Knox's second amended objections until after the court adopted the Magistrate Judge's Report and Recommendation on May 27, 2008. Summary judgment in favor of the Defendants was entered on the same day.

A motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure may be made on three grounds: "(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice." Hutchinson v. Staton, 994 F.2d 1076, 1081 (4th Cir. 1993). "Rule 59(e) motions may not be used, however, to raise arguments which could have been raised prior to the issuance of the judgment." Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co., 148 F.3d 396, 403

(4th Cir. 1998). “In general reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Id.* (internal citation and quotation marks omitted).

In his motion, Knox reasserts the allegations made in his objections to the Report and Recommendation and presents no new facts or evidence which alter the court’s original findings in the May 27, 2008, Order. Therefore, Knox’s motion is denied.

Therefore, it is

ORDERED that Knox’s Rule 59(e) motion to alter or amend judgment, docket number 111, is denied.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
June 3, 2008

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.